

CLOSED,PROSREF,SCR

**United States District Court
Middle District of Pennsylvania (Scranton)
CIVIL DOCKET FOR CASE #: 3:12-cv-02607-RDM**

Walker v. Bank of America
Assigned to: Honorable Robert D. Mariani
Cause: 28:1331 Fed. Question

Date Filed: 12/28/2012
Date Terminated: 06/24/2013
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff**Ben Walker**

represented by **Ben Walker**
117 Duck Hollow Circle
Stroudsburg, PA 18360
PRO SE

Plaintiff

Sandy Walker
TERMINATED: 01/29/2013

represented by **Sandy Walker**
PRO SE

V.

Defendant**Bank of America**

represented by **Michael C. Falk**
Reed Smith, LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103
215.851.8100
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/28/2012	<u>1</u>	COMPLAINT against Bank of America (Filing fee \$350, Receipt Number 027004), filed by Ben Walker. (Attachments: # <u>1</u> Civil Cover Sheet)(ep) (Additional attachment(s) added on 12/28/2012: # <u>2</u> Filing Fee Receipt) (ep). (Entered: 12/28/2012)
01/02/2013	<u>2</u>	Summons Issued as to Bank of America and provided TO Plaintiff VIA U.S. MAIL for service on Defendant(s)in the manner prescribed by Rule 4 of the Federal Rules of Civil Procedure. (Attachments: # <u>1</u> Summons Packet) (bg) (Entered: 01/02/2013)
01/24/2013	<u>3</u>	AMENDED COMPLAINT against Bank of America, filed by Ben Walker, Sandy Walker. (Attachments: # <u>1</u> Exhibit(s) A, # <u>2</u> Exhibit(s) B, # <u>3</u> Exhibit(s) C, # <u>4</u> Exhibit(s) D, # <u>5</u> Exhibit(s) E, # <u>6</u> Exhibit(s) F, # <u>7</u> Exhibit(s) G, # <u>8</u> Exhibit(s) H, # <u>9</u> Exhibit(s) I, # <u>10</u> Exhibit(s) J, # <u>11</u> Exhibit(s) K, # <u>12</u> Exhibit(s) L, # <u>13</u> Exhibit(s) M, # <u>14</u> Exhibit(s) N, # <u>15</u> Exhibit(s) O, # <u>16</u> Exhibit(s) P, # <u>17</u>

		Exhibit(s) Q)(bg) (Entered: 01/24/2013)
01/28/2013	<u>4</u>	Summons Issued as to Bank of America and provided to Plaintiff VIA U.S. MAIL for service on Defendant(s) in the manner prescribed by Rule 4 of the Federal Rules of Civil Procedure. (Attachments: # <u>1</u> Summons Packet) (bg) (Entered: 01/28/2013)
01/29/2013	<u>5</u>	SECOND AMENDED COMPLAINT against All Defendants, filed by Ben Walker. (Attachments: # <u>1</u> Exhibits A – G, # <u>2</u> Exhibits H – Q)(rm) (Entered: 01/29/2013)
01/31/2013	<u>6</u>	ORDER (1) Clerk is directed to correct the docket to reflect that Document #5 is the Second Amended Complaint filed only by PLtF Ben Walker. (2) The Clerk is directed to remove Sandy Walker's name from the docket. (3) The Clerk is directed to issue the Summons and mail the Summons together with this Order to PltF Ben Walker. (4) PltF Ben Walker is directed to serve his 2nd Amended Complaint upon Deft Bank of America in accordance w/Rule 4 of the FRCP. (5) The Clerk is further directed to provide PltF & Deft with a form Notice/Consent. (6) Deft is requested to Waive Service pursuant to Rule 4(d) of the FRCP. Signed by Magistrate Judge Thomas M. Blewitt on 1/31/2013. (rm) (Entered: 01/31/2013)
01/31/2013	<u>7</u>	Summons Issued as to Bank of America and provided TO ATTORNEY VIA U.S. MAIL for service on Defendant(s) in the manner prescribed by Rule 4 of the Federal Rules of Civil Procedure. (NOTICE TO ATTORNEYS RECEIVING THE SUMMONS ELECTRONICALLY: You must print the summons and the attachment when you receive it in your e-mail and serve them with the complaint on all defendants in the manner prescribed by Rule 4 of the Federal Rules of Civil Procedure). # <u>1</u> Summons Packet) (rm). (Entered: 01/31/2013)
02/28/2013	<u>8</u>	SUMMONS Returned Executed by Ben Walker. Bank of America served on 2/7/2013, answer due 2/28/2013. (bg) (Entered: 02/28/2013)
03/04/2013	<u>9</u>	MOTION for Entry of Default by Ben Walker.(bg) (Entered: 03/04/2013)
03/04/2013	<u>10</u>	Clerk's ENTRY OF DEFAULT as to Bank of America.Signed by Deputy Clerk on 3/4/2013. (bg) (Entered: 03/04/2013)
03/05/2013	<u>11</u>	NOTICE of Appearance by Andrew J. Soven on behalf of Bank of America (Soven, Andrew) (Entered: 03/05/2013)
03/05/2013	<u>12</u>	DISCLOSURE STATEMENT PURSUANT TO FRCP 7.1 by Bank of America identifying Corporate Parent Bank of America Corporation for Bank of America. (Soven, Andrew) (Entered: 03/05/2013)
03/05/2013	<u>13</u>	MOTION to Dismiss <i>Plaintiff's Complaint and Certificate of Service</i> by Bank of America.(Soven, Andrew) (Entered: 03/05/2013)
03/05/2013	<u>14</u>	BRIEF IN SUPPORT <i>and Certificate of Service</i> re <u>13</u> MOTION to Dismiss <i>Plaintiff's Complaint and Certificate of Service</i> filed by Bank of America.(Soven, Andrew) (Entered: 03/05/2013)
03/07/2013	<u>15</u>	MOTION for Default Judgment by Ben Walker.(bg) (Entered: 03/07/2013)
03/08/2013	<u>16</u>	MOTION to Set Aside Default <i>PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 55(c) AND OPPOSITION TO MOTION FOR DEFAULT JUDGMENT and CERTIFICATE OF SERVICE</i> by Bank of America. (Attachments: # <u>1</u> Exhibit(s) A)(Soven, Andrew) (Entered: 03/08/2013)
03/08/2013	<u>17</u>	BRIEF IN SUPPORT <i>and Certificate of Service</i> re <u>16</u> MOTION to Set Aside Default <i>PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 55(c) AND OPPOSITION TO MOTION FOR DEFAULT JUDGMENT and CERTIFICATE OF SERVICE</i> filed by Bank of America. (Attachments: # <u>1</u> Exhibit(s) A)(Soven, Andrew) (Entered: 03/08/2013)
03/13/2013	<u>18</u>	MOTION for Extension of Time to File Brief in opposition to <u>16</u> MOTION to Set Aside Default <i>PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 55(c) AND OPPOSITION TO MOTION FOR DEFAULT JUDGMENT and CERTIFICATE OF SERVICE</i> filed by Ben Walker.(bg) (Entered: 03/13/2013)

03/13/2013	<u>19</u>	MOTION for Extension of Time to respond to Disclosure Statement by Ben Walker.(bg) (Entered: 03/13/2013)
03/13/2013	<u>20</u>	MOTION for Extension of Time to File Brief in opposition to <u>13</u> MOTION to Dismiss <i>Plaintiff's Complaint and Certificate of Service</i> filed by Ben Walker.(bg) (Entered: 03/13/2013)
03/14/2013	<u>21</u>	ORDER denying as premature <u>18</u> Motion for Extension of Time to File Response/Reply ; denying as moot <u>19</u> Motion to Extend Time; denying as premature <u>20</u> Motion for Extension of Time to File Response/Reply Signed by Magistrate Judge Thomas M. Blewitt on 3/14/13 (ms) (Entered: 03/14/2013)
03/15/2013	<u>22</u>	MOTION for Extension of Time to File Brief to <u>16</u> MOTION to Set Aside Default <i>PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 55(c) AND OPPOSITION TO MOTION FOR DEFAULT JUDGMENT and CERTIFICATE OF SERVICE</i> filed by Ben Walker.(bg) (Entered: 03/15/2013)
03/19/2013	<u>23</u>	ORDER denying as premature <u>22</u> Motion for Extension of Time to File Response/Reply. Signed by Magistrate Judge Thomas M. Blewitt on 3/18/2013 (bg) (Entered: 03/19/2013)
03/19/2013	<u>24</u>	BRIEF IN OPPOSITION re <u>13</u> MOTION to Dismiss <i>Plaintiff's Complaint and Certificate of Service</i> filed by Ben Walker.(bg) (Entered: 03/19/2013)
03/22/2013	<u>25</u>	BRIEF IN OPPOSITION re <u>16</u> MOTION to Set Aside Default <i>PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 55(c) AND OPPOSITION TO MOTION FOR DEFAULT JUDGMENT and CERTIFICATE OF SERVICE</i> filed by Ben Walker.(bg) (Entered: 03/22/2013)
04/05/2013	<u>26</u>	REPLY BRIEF re <u>13</u> MOTION to Dismiss <i>Plaintiff's Complaint and Certificate of Service</i> filed by Bank of America.(Soven, Andrew) (Entered: 04/05/2013)
04/05/2013	<u>27</u>	REPLY BRIEF re <u>16</u> MOTION to Set Aside Default <i>PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 55(c) AND OPPOSITION TO MOTION FOR DEFAULT JUDGMENT and CERTIFICATE OF SERVICE</i> filed by Bank of America.(Soven, Andrew) (Entered: 04/05/2013)
04/15/2013	<u>28</u>	SUR REPLY to REPLY to Response to Motion re <u>13</u> MOTION to Dismiss <i>Plaintiff's Complaint and Certificate of Service</i> filed by Ben Walker.(lh) (Entered: 04/15/2013)
04/15/2013	<u>29</u>	SUR REPLY to REPLY to Response to Motion re <u>16</u> MOTION to Set Aside Default <i>PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 55(c) AND OPPOSITION TO MOTION FOR DEFAULT JUDGMENT and CERTIFICATE OF SERVICE</i> filed by Ben Walker.(lh) (Entered: 04/15/2013)
04/17/2013	<u>30</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Andrew J. Soven on behalf of Bank of America Attorney Michael Falk is seeking special admission. Filing fee \$ 50, receipt number 0314-2756021.. (Soven, Andrew) (Entered: 04/17/2013)
04/18/2013	<u>31</u>	SPECIAL ADMISSIONS FORM APPROVED as to Michael C. Falk Signed by Magistrate Judge Thomas M. Blewitt on 4/18/2013. (cw) (Entered: 04/18/2013)
04/19/2013	<u>32</u>	REPORT AND RECOMMENDATIONS re <u>5</u> Amended Complaint filed by Ben Walker, <u>16</u> MOTION to Set Aside Default <i>PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 55(c) AND OPPOSITION TO MOTION FOR DEFAULT JUDGMENT and CERTIFICATE OF SERVICE</i> filed by Bank of America, <u>15</u> MOTION for Default Judgment as to filed by Ben Walker, <u>13</u> MOTION to Dismiss <i>Plaintiff's Complaint and Certificate of Service</i> filed by Bank of America Objections to RR due by 5/6/2013 Signed by Magistrate Judge Thomas M. Blewitt on 4/19/2013. (Attachments: # <u>1</u> Part 1 of R(Entered: 04/19/2013)
05/06/2013	<u>33</u>	OBJECTION to <u>32</u> Report and Recommendations. (bg) (Entered: 05/06/2013)
05/08/2013	<u>34</u>	Letter dated 5/7/13 from Ben Walker re: Objections to RR(bg) (Entered: 05/08/2013)

05/23/2013	<u>35</u>	RESPONSE by Bank of America to <u>33</u> Objection to Report and Recommendations <i>and Certificate of Service</i> . (Soven, Andrew) (Entered: 05/23/2013)
06/24/2013	<u>36</u>	ORDER ADOPTING REPORT AND RECOMMENDATIONS ; ORDER DISMISSING CASE; Signed by Honorable Robert D. Mariani on 6/24/2013. (bg) (Entered: 06/24/2013)